

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE APPLICATION OF ORTHOGEN :  
INTERNATIONAL GMBH, :

Petitioner, :

for an order pursuant to 28 U.S.C. § 1782 to :  
conduct discovery for use in a foreign :  
proceeding. :

Case No. 1:24-mc-504

***EX PARTE* APPLICATION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 TO  
CONDUCT DISCOVERY FOR USE IN A FOREIGN PROCEEDING**

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*Attorneys for Petitioner Orthogen  
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Orthogen International GmbH (“Petitioner”) respectfully submits this application for an order pursuant to 28 U.S.C. § 1782 (“Section 1782”) permitting it to seek discovery for use in a lawsuit it will be filing in Germany (the “Petition”). Specifically, Petitioner respectfully requests that the Court endorse the proposed order attached as Exhibit A to the concurrently-filed Memorandum of Law submitted in support of this Petition, which authorizes Petitioner to serve the subpoenas attached as Exhibits B and C to the Memorandum of Law. Petitioner also respectfully requests that the Court endorse the proposed HIPAA Order, attached as Exhibit D to the Memorandum of Law.

For the reasons set forth in the Memorandum of Law, (i) this Petition meets each of Section 1782’s statutory requirements, and (ii) all of the discretionary factors that courts consider in deciding whether to authorize discovery under Section 1782 favor authorizing the discovery sought. This Petition also is supported by the concurrently-filed Declarations of Dr. Stefan Kruger and Christopher B. Harwood, Esq., and the exhibits attached to those declarations.

Dated: October 31, 2024

/s/ Christopher B. Harwood  
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